

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:	§	CASE NO. 08-70179-M-13
CARLOS GALLEGOS	§	
ADELA GALLEGOS	§	
DEBTOR(S)	§	CHAPTER 13

**TRUSTEE'S MOTION TO WITHDRAW TRUSTEE'S MOTION TO PAY FUNDS INTO
THE COURT REGISTRY (Document #75) AND TO VACATE ORDER GRANTING
TRUSTEE'S MOTION TO PAY FUNDS INTO THE COURT (Document #76)**

LOCAL RULE 9013(b) NOTICE:

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW CINDY BOUDLOCHE, Trustee, and for her within Motion states:

1. The Trustee filed a Motion to Pay Funds into the Court Registry on May 13, 2009 because checks to the debtor at his home address had not cleared within 90 days. The debtor contacted our office after receiving the Motion to Pay Funds into the Court Registry and stated that he had not received the check.

WHEREFORE, premises considered, Cindy Boudloche, Trustee, prays that the Trustee's Motion to Pay Funds into the Court Registry filed May 13, 2009 be WITHDRAWN and that the Order Granting Trustee's Motion to Pay Funds into the Court Registry dated May 14, 2009 be VACATED.

Respectfully submitted:

By: /s/ Mary V. Hower
Mary V. Hower, Staff Attorney
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ATTORNEY FOR TRUSTEE

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing Motion to Vacate Order Granting Trustee's Motion to Pay Funds into the Court Registry was mailed this 5th of June, 2009 by U.S. Mail or by electronic mail to the following persons:

Debtor:

Carlos and Adela Gallegos
7008 North 23rd Street
McAllen, Texas 78504

Debtor's Attorney:

Joseph James Wolf
223 W. Nolana Loop
McAllen, Texas 78503

Attorney for U.S. Trustee:

Barbara C. Jue
Office of the U. S. Trustee
606 N. Carancahua, Ste. 1107
Corpus Christi, TX 78476

/s/ Mary V. Hower
Mary V. Hower, Staff Attorney